

FACSIMILE TRANSMISSION COVER PAGE



Lawrence Livermore National Laboratory
Office of Laboratory Counsel/Patent Group

FAX: (925) 423-2231
VERIFY: (925) 422-7273

Mail Address:
7000 East Avenue
P.O. Box 808, L-703
Livermore, CA 94550

DATE: April 6, 2005

FROM: Teresa Walls

TELEPHONE NO.: (925) 422-7273

TO: Richard Bueker

FAX: (571)273-1431

REGARDING: SN 09/636,134 IL-9940B
"Apparatus for Depositing a Low Work Function Material"

NUMBER OF PAGES TO FOLLOW: 12

Richard,

Please let me know if I need to do anything else.

Thank you,

Alan H. Thompson
Lawrence Livermore National Laboratory
Intellectual Property Law Group
P.O. Box 808, L-703
Tel: (925) 422-7273
Fax: (925) 423-2231
walls4@llnl.gov

Legally Privileged Notice

This message and the documents accompanying this transmission contain information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this email in error, please immediately notify us by telephone to arrange for the return of the original document(s) to us.



UNITED STATES PATENT and TRADEMARK OFFICE

 UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
 DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

 WASHINGTON, D.C. 20231
 WWW.USPTO.GOV

 RECEIVED
 JUL 7 2003
 LLNL-I.P.L.G.

Mailed: JUL 7 2003

 rvk
 Paper Number: 14

 In re application of
 Mehdi Balooch et al
 Serial No. 09/636,134
 Filed: August 10, 2000

IL-9940B

 DECISION ON
 PETITION

For: APPARATUS FOR DEPOSITING A LOW WORK FUNCTION MATERIAL :

This is a response to the PETITION TO WITHDRAW ABANDONMENT, filed Jan. 9, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of Jan. 2, 2003, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed August 21, 2002 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted. As set forth in MPEP 711.03(c) II- PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION :

"The showing required to establish the nonreceipt of an Office communication must include a statement from the practitioner stating that Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement." (emphasis added)

The evidence presented is insufficient to establish that the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that no Notice

09/636,134

Page: 2

of Allowance has been received, and Applicants' file shows that the last communication received from the PTO was an Office action mailed May 22, 2002. However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received and it fails to submit a copy of the docket record where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had it been received.

Accordingly, this application stands abandoned.

The Petition is DENIED.



Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

LE CARNAHAN
AGENT
P O BOX 808 L 703
LIVERMORE, CA 94551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mehdi Balooch et al

Attorney
Docket No.: IL-9940B

Serial No.: 09/636,134

Group Art Unit:

Filed: August 10, 2000

Examiner:

For: Apparatus For Depositing A Low Work Function Material

REC'D JUL 24 2003

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Petition to Withdraw Abandonment Under 37 C.F.R. 1.181 (2 pages)
2. Copy of File jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
4. Certificate of Mailing
5. Return Postcard

Express Mail No.: EV268203832US

Attorney: JST/tw

Date Mailed: 7/18/2003

front



Lawrence Livermore National Laboratory
Intellectual Property Law Group, L-703
P.O. Box 808
Livermore, CA 94551

RECEIVED
JUL 18 2003
OFFICE OF PETITIONS

Back





EV 268203832 US

Mailing Label

Label 11-F June 2002



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope		Delivery Attempt	Time	Employee Signature	
Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military	Return Receipt Fee		Delivery Date	Time	Employee Signature	
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
CUSTOMER USE ONLY METHOD OF PAYMENT: X945239				<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature			
FROM: (PLEASE PRINT) PHONE: _____ LAWRENCE LIVERMORE LAB PO BOX 808 LIVERMORE CA 94551-0808 IL-9940B tw				TO: (PLEASE PRINT) PHONE: _____ Mail Stop: Petitions Commissioner for Patents Alexandria, VA 20213-1450 Att: J. Stone			
PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com							

243/73

P:00 T:

Customer Copy

Label 11-F June 2002



EV 268203832 US



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code 74550	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope		Delivery Attempt	Time	Employee Signature	
Date In Mo. Day Year 7 18 03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.42		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military	Return Receipt Fee		Delivery Date	Time	Employee Signature	
Weight lbs. 3 ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 13.42		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
CUSTOMER USE ONLY METHOD OF PAYMENT: X945239				<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature			
FROM: (PLEASE PRINT) PHONE: _____ LAWRENCE LIVERMORE LAB PO BOX 808 LIVERMORE CA 94551-0808 IL-9940B tw				TO: (PLEASE PRINT) PHONE: _____ Mail Stop: Petitions Commissioner for Patents Alexandria, VA 20213-1450 Att: J. Stone			
PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com							

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mehdi Balooch et al

Docket No.: IL-9940B

Serial No. : 09/636,134

Art Unit: 1700

Filed : 8/10/2000

Examiner: J. Stone

For : Apparatus for Depositing a Low Work Function Material

Commissioner for Patents
Alexandria, VA 22313-1450CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)I hereby certify that the *attached* correspondence comprising:

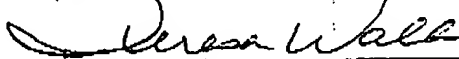
1. Petition to Withdraw Abandonment under 37 CFR 1.181 (2 pages)
2. Copy of File Jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
4. Certificate of Mailing
5. Return Postcard

is being deposited with the United States Postal Service as first class mail in
an envelope addressed to:Commissioner for Patents
Alexandria, VA 22313-1450

on

7/18/2003Teresa Walls

(Type or print name of person mailing paper)

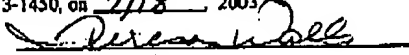


(Signature of person mailing paper)

PATENT
Docket No. IL-9940B

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450, on 7/18 2003


Teresa Wallis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Mehdi Balooch et al	Docket No. :	IL-9940B
Serial No. :	09/636,134	Art Unit :	1763
Filed :	August 10, 2000	Examiner :	R. Bueker
For :	Apparatus for Depositing a Low Work Function Material		

PETITION TO WITHDRAW ABANDONMENT UNDER 37 C.F.R. 1.181

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed January 2, 2003, and in view of the Decision on Petition mailed July 7, 2003, kindly consider the following.

REMARKS

1. A Notice of Abandonment was mailed January 2, 2003.
2. The reason for abandonment was "Applicants' failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowability."
3. The Notice of Allowability and Notice of Allowance and Issued Fee Due were not received by the Applicants, and thus the Applicants were not aware of an issue fee being due.
4. Applicants' file shows that, prior to receiving the Notice of Abandonment, the last communication received from the PTO was an Office Action mailed May 22, 2002, and an Amendment in response thereto was filed July 31, 2002.
5. Applicants hereby attest to the fact that a search of the file jacket and docket records indicates that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received.
6. Please find enclosed (1) a copy of the file jacket, and (2) a screen shot of the docketing database where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had those Office communications been received and docketed.
7. It is therefore respectfully requested that the Notice of Abandonment be withdrawn, and that the Notice of Allowability and Notice of Allowance and Issue Fee Due be issued in this application.

Respectfully submitted,

Dated: 7-17-03

By: 

James S. Tak
Attorney for Applicant
Registration No. 46,367

Lawrence Livermore National Lab
7000 East Avenue, L-703
Livermore, CA 94550
TEL: (925) 422-7274
FAX: (925) 423-2231

1L-99408

EV108175796US EL534391131US
 EV108176584US EL373781014US
 EV108175062US

RL- _____ S- 95,362 OTHER _____

APPLICANTS: Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus

TITLE: Apparatus For Depositing A Low Work Function Material

SER. NO.: 09/636134 FILED: 8/10/00 PAT. NO.: _____ ISSUED: _____

☐ CONTINUATION ☒ DIVISION ☐ C-I-P

S.N.: 09/080,109 FILED: 5/18/98

OTHER RELATED CASES: _____

WAIVER PETITIONS: _____ REQUESTED BY: _____ GRANTED: _____

FOREIGN FILINGS: _____

INTL. APP. NO.: _____ FILING DATE: _____

COUNTRIES: _____

PROSECUTION:	PREPARED BY	RESPONSE DUE	DATE SUBMITTED
First Office Action	4/26/01	1/18/01	6/26/01
Second Office Action	7/24/01	12/24/01	1/13/01
Third Office Action	2/25/02	5/25/02	4/3/02
Advisory Action (RCE)	4/14/02	5/25/02	5/1/02
First RCE Office Action	5/22/02	8/22/02	7/31/02
Petition to Withdraw Abandonment			1/9/03
Petition Denied	7/14/03		

COMMENTS: Resp to denial

7/18/03

Old Database **LLN Patent Group - Patent Tracking**

IL- 9940	B	IL Type	<input type="checkbox"/>	Non-Lab Employee <input type="checkbox"/>	Cont. App. DIV	Assignee UC/IP&C
AIPA Applies		<input type="checkbox"/>	RL- <input type="checkbox"/>	S- 95,362		UC- <input type="checkbox"/>
Attorney		Carnahan/Tak		Date Attorney Assigned 2/19/2003		
ROI Title Low Work function Surface Layers by Laser Ablation Using Short-Wavelength Photons						
Inventors Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus				Non-LLNL Inventors		
Patent Status Petition to Withdraw denied(tw). Notice of Abandonment received 1/2/2003--In response to Notice of Abandonment, Petition to Withdraw Abandonment sent 1/9/2003. First RCE Office Action--resp. due 8/22/2002 (am)--response sent 7/31/2002. Advisory Action--resp due 5/25/2002 (ns)--resp. sent (RCE) 5/1/2002. Final Office Action--resp due 5/25/2002 (ns)--Resp. sent 4/3/2002. Second Office Action--resp. due 12/24/2001. Resp. sent 11/13/2001. First Office Action--resp. due 7/3/01. Resp. sent 6/26/2001. Divisional application express mailed 8/10/2000.						
Patent App. Title		Apparatus For Depositing A Low Work Function Material				
Case Combined With		<input type="checkbox"/>				
Related Cases		This is a divisional of IL-9940A.				
Attorney Comments		<input type="checkbox"/>				
Miscellaneous Information		<input type="checkbox"/>				
Account Nos.		Directorate		BandR No.		
No Interest by IPAC		Inactivated by IPAC		Inactivated by DOE		
Abandoned by		Date Abandoned		Application Requester		
Disclosure Submitted		Application Authorized		Rights Granted		
Rights Requested		Type		Rights Granted		
Confirmatory License		Requested Directorate		Application Mailed		
Provisional Serial No.		Priority		Priority		
Additional Provisional Serial No./Filing Date		Provisional Filing Date		Export Control		
Serial No.		Filing Date		Bar Date 1		
Patent No.		Issue Date		Bar Date 2		
Publication Cite		Publication Date		Bar Date 3		
Portfolio		check priority date		EUVL		
				EUVL Assignee		

DUE DATES**IL Number**

LLNI Patent Group - Patent Tracking

Restriction Req.
First Office Action 1/18/2001
Second Office Action 9/24/2001
Third Office Action
Fourth Office Action
Final Office Action 2/25/2002
Notice of Appeal Due 5/26/2002
Appeal Brief Due

Restriction Req. Sent
First OA Sent 6/26/2001
Second OA Sent 11/13/2001
Third OA Sent
Fourth OA Sent
Final OA Sent 4/3/2002
Notice of Appeal Sent
(Check Response Due)
Appeal Brief Sent

CPA Filed RCE filed 5/1/2002
1st CPA OA 1st CPA OA Sent 1st RCE OA 5/22/2002 1st RCE OA Sent
2nd CPA OA 2nd CPA OA Sent 2nd RCE OA 2nd RCE OA Sent
Final CPA OA Final CPA OA Sent Final RCE OA Final RCE OA Sent
Notice of Allowance Notice of Allowance Sent
Notice of Allowability Notice of Allowability Sent
Multiple Due Dates ☐ FOA NOA
Response Due

MAINTENANCE FEESIL Number **9940** **B**

Three Yr Fee Due
Seven Yr Fee Due
Eleven Yr Fee Due
Small Entity ☐ Yes ☐ No

Three Yr Fee Paid
Seven Yr Fee Paid
Eleven Yr Fee Paid

Three Year Amount
Seven Year Amount
Eleven Year Amount

IP&C INFORMATIONLicensee Licensing Specialist Date Assigned

Search Requested Search Completed Search Sent To
Last Modified Date 7/15/2003 Last Modified By: walls4 Last Modified Time 8:15:28 AM
Abstract
7/10/2000

Patent Application U.S. Patent

View data base Information Transfereed

PAGE 13/13 * RCVD AT 4/6/2005 4:32:15 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/26 * DNIS:2731431 * CSID:9254232231 * DURATION (mm:ss):06:46